

REMARKS

Claims 3, 5, 6, 7, 9, 10, 11, 13, 14, 15, 17-19 and 23 are at issue. Claims 1, 2, 4, 8, 12, 16, and 20-22 have been canceled. No claims have been allowed.

Applicant submits that Applicant is entitled to file a divisional patent application on non-elected, canceled claims 4, 8, 12, 16, and 20-22 prior to the issuance of a patent on the instant application.

Claims 1 and 2 have been rejected under 35 U.S.C. 102(b) as anticipated by Tanaka et al. Applicant has canceled claims 1 and 2.

Claims 1-3, 5-7, 9-11, 13-15, 17-19, and 23 have been rejected under 35 U.S.C. 103(a) as unpatentable over Wong in view of Tanaka et al.

Claims 1 and 2 have been canceled. Claim 3 has been rewritten as an independent claim including all the limitations of claim 1.

Wong teaches a method of making filaments for use as porous electrodes. The filaments are formed, as described in column 2, beginning at line 53, by using a copper billet 10 which is drilled to include longitudinal holes 12. Tantalum filaments or tantalum coated niobium filaments are then inserted into the holes. The billet is extruded and thereafter is drawn until the resulting rod is reduced to the desired size. The rod is then cut into one foot lengths which are arrayed side by side into a new billet which can be extruded and/or drawn to attain a desired filament diameter. The resultant composite is then treated to leach out the copper (of which the original billet 10 was composed) and then anodized. This leaves resultant filaments 12F as shown in Figures 3A and 3B. In other words, the copper matrix or billet material is leached out and disappears.

Wong also discusses a mat 11. However, no number 11 is shown in the figures. Applicant therefore is at a loss as to what Wong means by a mat 11.

Wong does not disclose manufacturing a metal wire with filaments for biomedical applications. Instead, Wong teaches how to manufacture filaments. Unlike Applicant, Wong starts with a billet of parent material but leaches out that parent material until it disappears.

Applicant has canceled claim 1 but has rewritten claim 3 in independent form. Claim 3 calls for drilling a plurality of apertures in a parent material, filling at least one aperture with a filament, repeatedly drawing and thermally treating the parent material with filaments embedded therein to form a wire and then covering that wire with a biocompatible finish coating. This is not shown by Wong. Wong only shows how to create filaments. Wong's parent material disappears and therefore Wong's method does not result in a wire with filaments and covered with a biocompatible finish coating.

Tanaka et al. discloses the manufacture of a superconducting wire containing multifilamentary superconducting alloy. Tanaka et al. does not show the step of covering his wire with a biocompatible finish coating.

Applicant therefore respectfully submits that the combination of Wong and Tanaka et al. does not anticipate nor render obvious claim 3, as amended.

With regard to independent claim 5, that claim calls for apertures which are filled with filaments and then a step of opening the apertures to the outside circumference of the wire, such as shown in Figure 8. It is clearly shown that apertures 32 are open to the outside circumference of the wire. Applicant has amended claim 5 to add a whereby clause which states that a grooved wire is formed. This can be seen in Figure 8. No such structure is shown by Tanaka et al. nor by Wong. In Wong's structure, the parent material (indicated at 22 in Figure 8) is completely leached out, leaving only the filaments. Tanaka et al. does not show removing material whereby the filled apertures are open to the outside circumference of the wire.

Independent claims 9, 13, and 17 each include similar limitations and therefore also distinguish patentably over the combination of Wong and Tanaka et al.

Applicant therefore respectfully submits that all claims rejected by the Examiner, and as amended, distinguish patentably over the cited references.

The Examiner has stated that he considers removing the filaments from the parent material is similar to "opening the apertures to the outside circumference of the wire." Applicant respectfully disagrees. In order to make the claims more clear, Applicant has amended the

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claims to show that a grooved wire is the result of the method claim. There is nothing whatsoever in Wong to suggest such structure nor a method to achieve such structure.

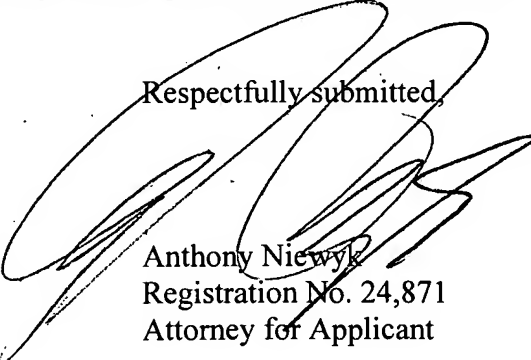
The Examiner stated that Wong covers the wire with a biocompatible finish coating. The Examiner has indicated that Wong teaches this structure in column 4, lines 6 and 7. There is nothing whatsoever in the indicated portion of Wong which talks about a biocompatible coating. Rather, Wong, in the indicated passage, calls for filament surfaces to form adherent, continuous coatings of oxides on the filaments. There is nothing whatsoever to indicate that those oxides are biocompatible. Applicant therefore respectfully disagrees with the Examiner's contention.

In view of the foregoing, Applicant respectfully submits that all claims at issue distinguish patentably over the cited references and are in condition for allowance. Allowance is respectfully requested.

In the event Applicant has overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels LLP.

Should the Examiner have any further questions, he is respectfully invited to telephone the undersigned at 260-460-1695.

Respectfully submitted,



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